

AN ACT

relating to the duties of certain utilities regarding energy efficiency reports and emergency notification systems.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 39.9051, Utilities Code, is amended by amending Subsection (f) and adding Subsections (g) and (h) to read as follows:

(f) Beginning April [Not later than September] 1, 2012 [2009], a municipally owned utility must report each year to the State Energy Conservation Office, on [in] a standardized form developed by [and manner determined by the utility in consultation with] the office, information regarding the combined effects of the energy efficiency activities of the utility from the previous calendar year, including the utility's annual goals, programs enacted to achieve those goals, and any achieved energy demand or savings goals.

(g) The State Energy Conservation Office shall provide the reports made under Subsection (f) to the Energy Systems Laboratory at the Texas Engineering Experiment Station of The Texas A&M University System. The laboratory shall calculate the energy savings and estimated pollution reductions that resulted from the reported activities.

(h) The energy systems laboratory shall share the results of the analysis with the Public Utility Commission of Texas, ERCOT,

1 the United States Environmental Protection Agency, and the Texas
2 Commission on Environmental Quality.

3 SECTION 2. Section 39.9052, Utilities Code, is amended by
4 amending Subsection (b) and adding Subsections (c) and (d) to read
5 as follows:

6 (b) Beginning April ~~[Not later than September]~~ 1, 2012
7 ~~[2009]~~, an electric cooperative that had retail sales of more than
8 500,000 megawatt hours in 2005 must report each year to the State
9 Energy Conservation Office, on ~~[in]~~ a standardized form developed
10 by ~~[and manner determined by the electric cooperative in~~
11 ~~consultation with]~~ the office, information regarding the combined
12 effects of the energy efficiency activities of the electric
13 cooperative from the previous calendar year, including the electric
14 cooperative's annual goals, programs enacted to achieve those
15 goals, and any achieved energy demand or savings goals.

16 (c) The State Energy Conservation Office shall provide the
17 reports made under Subsection (b) to the Energy Systems Laboratory
18 at the Texas Engineering Experiment Station of The Texas A&M
19 University System. The laboratory shall calculate the energy
20 savings and estimated pollution reductions that resulted from the
21 reported activities.

22 (d) The energy systems laboratory shall share the results of
23 the analysis with the Public Utility Commission of Texas, ERCOT,
24 the United States Environmental Protection Agency, and the Texas
25 Commission on Environmental Quality.

26 SECTION 3. (a) Subchapter H, Chapter 418, Government Code,
27 is amended by adding Section 418.192 to read as follows:

1 Sec. 418.192. COMMUNICATIONS BY PUBLIC SERVICE PROVIDERS
2 DURING DISASTERS AND EMERGENCIES. (a) In this section:

3 (1) "Emergency" means a temporary, sudden, and
4 unforeseen occurrence that requires action by a public service
5 provider to correct the occurrence, inform others of the
6 occurrence, protect lives or property, or temporarily reduce demand
7 for or allocate supply of the provider's products or services to
8 ensure public safety or preserve the integrity of service delivery
9 mechanisms.

10 (2) "Public service provider" means any person or
11 entity that provides essential products or services to the public
12 that are regulated under the Natural Resources Code, Utilities
13 Code, or Water Code, including:

14 (A) common carriers under Section 111.002,
15 Natural Resources Code;

16 (B) telecommunications providers as defined by
17 Section 51.002, Utilities Code; and

18 (C) any other person or entity providing or
19 producing heat, light, power, or water.

20 (b) A public service provider may enter into a contract for
21 an emergency notification system described by this section for use
22 in informing the provider's customers, governmental entities, and
23 other affected persons regarding:

24 (1) notice of a disaster or emergency; and

25 (2) any actions a recipient is required to take during
26 a disaster or emergency.

27 (c) The emergency notification system for which a contract

1 is entered into under Subsection (b) must rely on a dynamic
2 information database that:

3 (1) is capable of simultaneous transmission of
4 emergency messages to all recipients through at least two
5 industry-standard gateways to one or more telephones or electronic
6 devices owned by a recipient in a manner that does not negatively
7 impact the existing communications infrastructure;

8 (2) allows the public service provider to:

9 (A) store prewritten emergency messages in the
10 dynamic information database for subsequent use; and

11 (B) generate emergency messages in real time
12 based on provider inputs;

13 (3) allows a recipient to select the language in which
14 the recipient would prefer to receive messages;

15 (4) transmits the message in the recipient's language
16 of choice to that recipient;

17 (5) converts text messages to sound files and
18 transmits those sound files to the appropriate device;

19 (6) assigns recipients to priority groups for
20 notification;

21 (7) allows for the collection and verification of
22 responses by recipients of emergency messages; and

23 (8) reads or receives alerts from a commercial mobile
24 alert system established by the Federal Communications Commission
25 or complies with standards adopted for a commercial mobile alert
26 system established by the Federal Communications Commission.

27 (d) The dynamic information database must comply with:

1 (1) the Telecommunications Service Priority program
2 established by the Federal Communications Commission; and

3 (2) the Federal Information Processing Standard 140-2
4 governing compliant cryptographic modules for encryption and
5 security issued by the National Institute of Standards and
6 Technology.

7 (e) Before sending a notice described by Subsection (b), a
8 public service provider must:

9 (1) provide a copy of the notice to the emergency
10 management director designated under Section 418.1015, for each
11 political subdivision for which the public service provider
12 provides services at the time of the notice; and

13 (2) during a disaster declared by the governor or
14 United States government, obtain approval of the notice from the
15 emergency management director designated under Section 418.1015,
16 for each political subdivision for which the public service
17 provider provides services during the disaster.

18 (f) A customer of a public service provider may decline to
19 receive the notices described by Subsection (b) by providing
20 written notice of that decision to the public service provider.

21 (g) A public service provider shall cooperate with
22 emergency management officials of each political subdivision in
23 which the public service provider provides services to survey the
24 number of notification systems in place.

25 (h) The requirements of this section do not apply to an
26 emergency notification system that is in use by a public service
27 provider on June 1, 2011.

1 (b) This section takes effect immediately if this Act
2 receives a vote of two-thirds of all the members elected to each
3 house, as provided by Section 39, Article III, Texas Constitution.
4 If this Act does not receive the vote necessary for immediate
5 effect, this section takes effect September 1, 2011.

6 SECTION 4. Except as otherwise provided by this Act, this
7 Act takes effect September 1, 2011.

See
Rec

S.B. No. 924

David Newkirk
President of the Senate

Joe Straus
Speaker of the House

I hereby certify that S.B. No. 924 passed the Senate on April 21, 2011, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 27, 2011, by the following vote: Yeas 30, Nays 1. _____

Atsuy Spaw
Secretary of the Senate

I hereby certify that S.B. No. 924 passed the House, with amendment, on May 23, 2011, by the following vote: Yeas 143, Nays 2, two present not voting. _____

Robert Haney
Chief Clerk of the House

Approved:

17 JUN '11
Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
JUN 17 2011
O'CLOCK

Don Edwards
Secretary of State